

FCC 340

APPLICATION FOR CONSTRUCTION PERMIT FOR NONCOMMERCIAL EDUCATIONAL BROADCAST STATION

(Carefully read instructions before filing form) Return only form to FCC

FOR COMMISSION USE ONLY

FILE NO.

Section I - GENERAL INFORMATION

1. Name of Applicant			Send notices and communications to the following person at the address below:		
Street Address or P.O. Box			Name		
City			Street Address or P.O. Box		
State			City		
ZIP Code			State		
Telephone Number (include Area Code)			ZIP Code		
Telephone Number (include Area Code)			Telephone Number (include Area Code)		

2. This application is for:

☐ AM

☐ FM

☐ TV

(a) Channel No. or Frequency

(b) Principal
Community

City

State

(c) Check one of the following boxes:

☐

Application for NEW station

☐

MAJOR change in licensed facilities; call sign: _____

☐

MINOR change in licensed facilities; call sign: _____

☐

MAJOR modification of construction permit; call sign: _____

File No. of construction permit; call sign: _____

☐

MINOR modification of construction permit; call sign: _____

File No. of construction permit; call sign: _____

☐

AMENDMENT to pending application: Application File Number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application?

☐

Yes

☐

No

If Yes, state:

Call letters	Community of License	
	City	State

Section II - LEGAL QUALIFICATIONS

Name of Applicant

1. Applicant is: (check one box below)

- ☐ (a) governmental or public educational agency, board or institution
- ☐ (b) private nonprofit educational institution
- ☐ (c) nonprofit educational corporation
- ☐ (d) other (specify)

2. For applicants 1(c) or (d), describe in an Exhibit the nature and educational purposes of the applicant.

Exhibit No.

3. For applicants 1(c) or 1(d) applying for a new noncommercial educational television station only, describe in an Exhibit how the applicant's officers, directors and members of its governing board are broadly representative of the educational, cultural and civic segments of the principal community to be served.

Exhibit No.

4. Describe in an Exhibit how the proposed station will be used, in accordance with 47 C.F.R. Section 73.503 or Section 73.621, for the advancement of an educational program.

Exhibit No.

5. Is there any provision contained in any by-laws, articles of incorporation, partnership agreement, charter, statute or other document which would restrict the applicant in advancing an educational program or complying with any Commission rule, policy or provision of the Communications Act of 1934, as amended?

☐ Yes ☐ No

If Yes, provide particulars in an Exhibit.

Exhibit No.

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

6. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction B to Section II.)

☐ Yes ☐ No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☐ No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

Exhibit No.

7. Has an adverse finding been made or an adverse final action been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant, in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?

☐ Yes ☐ No

If the answer is Yes, attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and a description of the disposition of the matter. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 C.F.R. Section 1.65, the applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing; and (ii) the disposition of the previously reported matter.

Exhibit No.

Section II - LEGAL QUALIFICATIONS (Page 2)

PARTIES TO THE APPLICATION

8. Complete the following Table with respect to all parties to this application.

(NOTE: If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.)

INSTRUCTIONS: If applicant is a corporation or an unincorporated association with 50 or fewer stockholders, stock subscribers, holders of membership certificates or other ownership interests, fill out all columns, giving the information requested as to all officers, directors and members of governing board. In addition, give the information as to all persons or entities who are the beneficial or record owners of or have the right to vote capital stock, membership ownership interests or are subscribers to such interest. **If the applicant has more than 50 stockholders, stock subscribers or holders of membership certificates or other ownership interests,** furnish the information as to officers, directors, members of governing board, and all persons or entities who are the beneficial or record owners of or have the right to vote 1% or more of the capital stock, membership or ownership interests. **If applicant is a governmental or public educational agency, board or institution,** fill out columns (a), (b), and (c) as to all members of the governing board and chief executive officers.

Name and Residence Address(es) (a)	Office Held (b)	Director or Member of Governing Board	% of: Ownership (O) or Voting Stock(VS) or Membership (M) (d)
		Yes No	
		(c)	

Section II - LEGAL QUALIFICATIONS (Page 4)

9. Does the applicant, or any party to the application, have a petition to migrate to the expanded band (1605-1705 (kHz)) or a permit or license either in the existing band or expanded band that is held in combination with the AM facility proposed to be modified herein? ☐ Yes ☐ No

If Yes, provide particulars as an Exhibit.

Exhibit No.

10. Does the applicant or any party to the application have, or have they had, any interest in:

- (a) a broadcast station, or pending broadcast station application before the Commission? ☐ Yes ☐ No
- (b) a broadcast application which has been dismissed with prejudice by the Commission? ☐ Yes ☐ No
- (c) a broadcast application which has been denied by the Commission? ☐ Yes ☐ No
- (d) a broadcast station, the license of which has been revoked? ☐ Yes ☐ No
- (e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant? ☐ Yes ☐ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.

- (1) Name of party having interest;
- (2) Nature of interest or connection, giving dates;
- (3) Call letters of stations or file number of application or docket; and
- (4) Location.

SECTION III - FINANCIAL QUALIFICATIONS

NOTE: If this application is for a change in an operating facility DO NOT fill out this Section.

1. Is this application contingent upon receipt of a grant from the National Telecommunications and Information Administration? ☐ Yes ☐ No
2. Is this application contingent upon receipt of a grant from a charitable organization, the approval of the budget of a school or university, or an appropriation from a state, county, municipality or other political subdivision? ☐ Yes ☐ No

NOTE: If either Questions 1 or 2 is answered "Yes," your application cannot be granted until all of the necessary funds are committed or appropriated. In the case of grants from the National Telecommunications and Information Administration, no further action on your part is required. If you rely on funds from a source specified in Question 2, **you must advise the F.C.C. when the funds are committed or appropriated.** This should be accomplished by letter amendment to your application, in triplicate, signed in the same manner as the original application, and clearly identifying the application to be amended.

3. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue. ☐ Yes ☐ No

SECTION IV - PROGRAM SERVICE STATEMENT

Attach as an Exhibit, a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No.

NOTE: No program service statement need be filed where the proposed station's programming would be **wholly** "instructional" as that type of programming is defined in the instructions to this Section.

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Does the applicant propose to employ five or more full-time employees?

☐ Yes ☐ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC Form 396-A). (See also 47 C.F.R. Section 73.2080.)

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirements of 47 C.F.R. Section 73.3580?

☐ Yes ☐ No
☐ Not applicable
(minor change)

2. By checking Yes, the applicant certifies, that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

☐ Yes ☐ No

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached Exhibits are considered material representations, and that all Exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section. 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name	Signature
Title	
Typed or Printed Name of Person Signing	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

INSTRUCTIONS FOR FCC 340

APPLICATION FOR CONSTRUCTION PERMIT FOR NONCOMMERCIAL BROADCAST STATION

GENERAL INSTRUCTIONS

- A. This FCC form is to be used to apply for authority to construct a new noncommercial educational AM, FM or TV broadcast station or to make changes in the existing facilities of such a station. It consists of the following sections:

- I. General Information
- II. Legal Qualifications
- III. Financial Qualifications
- IV. Program Service Statement
- V. Engineering Data and Antenna and Site Information
- VI. Equal Employment Opportunity Program
- VII. Certifications

An applicant for a minor or major change in facilities need file only Sections I, V and VII. Do not file Sections II, III, IV and VI.

- B. Prepare and submit an original and two copies of this form, all exhibits, and any subsequent amendments to:

The Secretary
Federal Communications Commission
Washington, D. C. 20554

- C. Many References to FCC Rules are made in this application form. Before filling it out, the applicant should have on hand and be familiar with current broadcast rules in 47 C.F.R.:

- (1) Part 0 "Commission Organization"
- (2) Part 1 "Practice and Procedure"
- (3) Part 17 "Construction, Marking and Lighting of Antenna Structure"
- (4) Part 73 "Radio Broadcast Services"

FCC Rules may be purchased from the Government Printing Office, Washington, D. C. 20402. You may telephone the GPO Order Desk at (202) 512-1800 for current prices.

- D. A copy of this completed application and all related documents shall be made available for inspection by the

public, pursuant to 47 C.F.R. Section 73.3527.

- E. Replies to questions in this form and the applicant's statements constitute representations on which the FCC will rely in considering the application. Thus, time and care should be devoted to all replies, which should reflect accurately the applicant's responsible consideration of the questions asked. Include all information called for by this application. If any portions of the application are not applicable, so state. **Defective or incomplete applications will be returned without consideration.** Furthermore, inadvertently accepted applications are also subject to dismissal.

- F. In accordance with 47 C.F.R. Section 1.65, the applicant has a **continuing obligation** to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

- G. Amendments to previously filed applications should be prepared and submitted in triplicate (an original and two duplicate copies), signed in the same manner as the original application, and should contain the following information to identify the application being amended:

- (1) Applicant's name.
- (2) Service (AM, FM or TV).
- (3) Call letters or specify new station.
- (4) Channel number (FM or TV) or frequency (AM).
- (5) Community of license.
- (6) File number (if known) of application being amended.
- (7) Date of filing of application (if file number not known).

INSTRUCTIONS FOR SECTION I - GENERAL INFORMATION

- A. The name of the applicant stated in Section I shall be the exact name of the agency, board, institution, organization, corporation or association seeking the authorization. In all other sections of this form, an abbreviated name can be used for identification of the applicant.

- B. In Section I use only those state abbreviations approved by the U.S. Postal Service.

- C. A major change in the licensed facilities of an AM station

or a major modification of an AM construction permit includes any request for an increase in power (except for Class IV stations on local channels) or for a change in frequency, hours of operation, or station location. See 47 C.F.R. Section 73.3571. A major change or major modification for an FM noncommercial educational station operating on a reserved channel includes any change in frequency or community of license or any changes in power, antenna location, and/or height which would result in a change of 50% or more in the area within the station's predicted 1 mv/m field strength contour. See 47 C.F.R. Section 73.3573. For TV stations, a major change or major modification is any change in frequency or community of license that is in accord with the present allotment contained in the Table of Assignments. See 47 C.F.R. Section 73.3572.

INSTRUCTIONS FOR SECTION II - LEGAL QUALIFICATIONS

- A. As used in Section II, the words "party to this application" have the following meanings:

GOVERNMENT OR PUBLIC EDUCATIONAL AGENCY, BOARD, OR INSTITUTION: The members of the governing board and chief executive officers.

CORPORATE APPLICANT: All officers and directors, and all persons or entities, who are the beneficial or record owners, subscribers, or holders of the right to vote any capital stock, shall be considered parties to this application. If any corporation or other legal entity owns stock in the applicant, its officers, directors and persons or entities, who are the beneficial or record owners, subscribers, or holders of the right to vote capital stock of that entity, shall also be considered parties to this application.

ANY OTHER APPLICANT: All executive officers, members of the governing board and owners or subscribers to any membership or ownership interest in the applicant.

NOTE: In the event that the applicant has more than 50 stockholders, stock subscribers, or holders of membership certificates or other ownership interests, only officers, directors and persons or entities, who are the beneficial or record owners, have the right to vote 1% or more of the capital stock, membership or ownership interest, or are subscribers to such interest, shall be considered parties to this application. If any corporation or other legal entity owns 1% or more of an applicant with more than 50 stockholders, its officers, directors and all persons or entities, who are the beneficial or record owners, have the

right to vote 1% or more of the capital stock, membership or ownership interest, or are subscribers to such interest in the entity, shall also be considered parties to this application.

- B. All applicants must comply with Section 310 of the Communications Act, as amended. Specifically, Section 310 proscribes issuance of a construction permit to an alien, the representative of an alien, a foreign government or the representative thereof, or a corporation organized under the laws of a foreign government. This proscription also applies with respect to any corporation of which more than 20% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or by a corporation organized under the laws of a foreign country. This proscription could likewise apply to any corporation directly or indirectly controlled by another corporation of which (a) any officer is, (b) more than 25% of the directors are, or (c) more than 25% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative. The Commission may also deny a construction permit to a corporation controlled by another corporation organized under the laws of a foreign country.

The applicant must determine the citizenship of each officer and director. It must also determine the citizenship of each shareholder or else explain how it determined the relevant percentages. For large corporations, a sample survey using a recognized statistical method is acceptable for this purpose.

- C. Commission policies and litigation reporting requirements for broadcast station applicants are directed to focusing on misconduct which violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Question 7, applicants are advised that the parameters of the Commission's policies and requirements regarding character qualifications are fully set forth in Character Qualifications, 102 FCC 2d 1179 (1985), reconsideration denied, 1 FCC Rcd 421 (1986), as modified, 5 FCC Rcd 3252 (1990) and 7 FCC Rcd 6564 (1992).

INSTRUCTIONS FOR SECTION III - FINANCIAL QUALIFICATIONS

- A. All applicants filing Form 340 must be financially qualified to effectuate their proposals. Certain applicants (i.e., for a new station, to reactivate a silent station, or if specifically requested by the Commission) must demonstrate their financial qualifications by filing Section III. **DO NOT SUBMIT** Section III if the application is for changes in operating or authorized facilities.

- B. An applicant for a new station must attest it has sufficient net liquid assets on hand, or committed sources of funds to construct the proposed facility and operate for three months, without additional funds. In so certifying, the applicant is also attesting that it can and will meet all contractual requirements, if any, as to collateral, guarantees, donations, and capital investments. As used in Section III, "net liquid assets" means the lesser amount of the net current assets or of the liquid assets shown on a party's balance sheet, with net current assets being the excess of current assets over current liabilities. Applicants requesting financial assistance from the National Telecommunications and Information Administration (NTIA) are encouraged to file this FCC Form 340 well before filing their requests for funds with NTIA.
- C. Documentation supporting the attestation of financial qualifications need not be submitted with this application but must be available to the Commission upon request. The Commission encourages that all financial statements used in the preparation of this application be prepared in accordance with generally accepted accounting principles.
- D. It is Commission policy not to approve extensions of time for construction on the basis of financial inability or unwillingness to construct.

INSTRUCTIONS FOR SECTION IV-A - PROGRAM SERVICE STATEMENT

- A. Applicants need **only** file a program service statement called for in Section IV-A of this application. See Public Broadcasting Stations (Programming and Reporting Requirements), 98 FCC 2d 746 (1984).
- B. A program service statement is **not** required if the programming of the proposed station would be **wholly** instructional. Instructional programming includes all programs designed to be utilized by any level of educational institution in the regular instructional program of the institution. In-school, in-service for teachers and college credit courses are examples of instructional programs.

INSTRUCTIONS FOR SECTION IV - ENGINEERING DATA AND ANTENNA AND SITE INFORMATION

- A. An indication as to the specific transmitter make and model is not required on the application. Rather, any subsequent permit authorizing construction will require installation of a type accepted transmitter or one complying with the provisions of 47 C.F.R. Section 73.1660. Applicants for AM facilities are reminded of the maximum rated power limitations or transmitters imposed by 47 C.F.R. Section 73.1665(b).
- B. AM directional antenna patterns, submitted pursuant to 47 C.F.R. Section 73.150 and 73.152 (standard patterns and

modified standard patterns) must be tabulated and plotted using units of millivolts per meter at one kilometer. Applications which are amended should use this standard. Applications which are submitted using the wrong units will be returned unless they are promptly amended to use the correct units.

- C. Applicants filing the initial application in response to a Commission allotment to migrate to the AM expanded band need not file the material requested in A.(3), A.(4), B.(1)-B.(3), and C.(3)(a)-(e) of Question 20 of Section V-A since the assignment is based on the allotment method instead of the allocation method.
- D. In regard to the FM engineering portion (V-B), references to height and distance must be in meters and kilometers and not feet and miles.
- E. When applying for a FM construction permit, one of the submissions required by Section V-B, is a 7.5 minute series U.S. Geological Survey topographic quadrangle map upon which is marked the transmitter site. The Commission recommends that applicants submit at least one original copy of each appropriate full-scale USGS quadrangle map, if available, with the transmitter site properly marked and labeled.

In order to allow the Commission's processing staff to verify the correctness of the geographic coordinates provided in an FM application, it is necessary for this site map to show along the printed margin of both axes at least two coordinate markings, specifically labeled by the USGS, one on either side of the marked site. Additionally, a scale of kilometers (if available) or miles and all of the identifying map information must be included. The site should be plotted on a full scale map, and all of the contour lines must be clearly visible. Faded, smudged or otherwise illegible maps are unacceptable. Photocopies are acceptable in lieu of actual USGS maps, provided they are clear, dark and legible. It is not necessary to submit an entire map (although this is perfectly acceptable), but only as much as is necessary to fully comply with the requirements described above.

In certain cases it may be inconvenient to provide a full scale photocopy which includes both the site and the margins. This can occur when the site lies toward the center of the map. In this case, the following alternative is acceptable. Provide a full scale copy of the section of the map containing the site. This copy must include either four of the standard printed cross-marks or one margin and two cross-marks. Fine lines should be drawn between the marks in such a fashion as to enclose the site. Each of these lines should be labeled with the appropriate latitude or longitude. This full scale map section must include all the information specified in the previous paragraph. In addition, a reduced copy of the entire map must be included to allow the Commission's staff to verify that the lines have been correctly labeled.

- F. The latitude and longitude coordinates for all points in the United States are based upon the 1927 North American Datum (NAD 27). The National Geodetic Survey is in the process of replacing NAD 27 with the more accurate 1983 North American Datum (NAD 83) and updating current

topographic maps with NAD 83 datum. In addition, coordinates determined by use of the satellite-based Global Positioning System already reflect the NAD 83 datum. To prevent intermixing of data using two different datums, however, the Commission announced that until further notice, applicants are to furnish coordinates based on NAD 27 datum on all submissions and the Commission will continue to specify NAD 27 coordinates in its data bases and authorizations. In addition, applicants who have already filed applications with coordinates that reflect NAD 83 datum must provide NAD 27 coordinates to the appropriate Commission licensing bureau. See Public Notice, entitled "FCC Interim Procedures for the Specification of Geographic Coordinates," 3 FCC Rcd 1478 (1988). Accordingly, in furnishing the information called for in Section V (e.g., V-A (AM), #4, V-B (FM), #2, V-C (TV), #2 V-D (DTV), #6), NAD 27 datum should be used.

- G. Effective July 1, 1996, the Commission adopted rules which require Antenna Structure owners to apply for a registration number whenever antenna structures meet FAA notification criteria. As owners register these structures they are required to provide tenant licensees with a copy of FCC Form 854R which provides the antenna structure registration number. (If you need additional information, contact the FCC's Consumer Assistance Branch at 1-800-322-1117 for a copy of FACT SHEET #15, Antenna Structure Registration.)
- H. The following guidance is provided for the questions regarding environmental impact (V-A (AM), #18, V-B (FM), #31, V-C (TV), #25, V-D (DTV), #22):
 - (1) An engineering study based upon OST Bulletin No. 65, October, 1985, entitled "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radiofrequency Radiation" addressing the issue of potential occupational and public hazards caused by the proposed facilities. You must state what steps will be taken to limit the RF radiation exposure to the public and to persons authorized access to the tower.
 - (2) Place an (X) in the appropriate box to indicate whether a Commission grant of the proposed communication facility(ies) may have a significant environmental impact as defined by 47 C.F.R. Section 1.1307. Briefly, Commission grant of an application may have a significant environmental impact if any of the following are proposed:
 - (a) A facility is to be located in sensitive areas (e.g., an officially designated wilderness area, a wildlife preserve area, a flood plain) or will physically or visually affect sites significant in American history.

- (b) A facility whose construction will involve significant change in surface features.
 - (c) The antenna tower and/or supporting structure(s) will be equipped with high intensity white lights and are to be located in residential neighborhoods.
 - (d) The facilities or their operation will cause exposure of workers or the general public to levels of radio frequency radiation in excess of current FCC guidelines. NOTE: This paragraph applies also to FM booster and translator stations transmitting with an ERP in excess of 100 watts. See 47 C.F.R. Section 1.1307(b), Note 1.
- (3) If you answer Yes, submit the required Environmental Assessment ("EA"). Include in the EA the following information, for antenna towers:
- (a) A description of the facilities, as well as supporting structures and appurtenances, and a description of the site as well as the surrounding area and uses. If high intensity lighting is proposed or utilized within a residential area, the EA must also address the impact of this lighting upon the residents.
 - (b) A statement regarding the zoning classification of the site, and communications with, or proceedings before and determinations (if any) made by zoning, planning, environmental or other local, state or federal authorities on matters relating to environmental impact.
 - (c) A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.
 - (d) A discussion of environmental and other considerations which led to the selection of the particular site and, if relevant, the particular facility; the nature and extent of any unavoidable adverse environmental effects; and any alternative sites or facilities which have been or might reasonably be considered.
- (4) The information submitted in the EA shall be factual (not argumentative or conclusory) and concise with sufficient detail to explain the environmental consequences and to enable the Commission, after an independent review of the EA, to reach a determination concerning the proposal's environmental impact, if any. The EA shall deal specifically with any feature of the site which has special environmental significance (e.g., wilderness area, wildlife preserves, natural migration paths for

birds and other wildlife, and sites of historic, architectural, or archeological value). In the case of historically significant sites, it shall specify the effect of the facilities on any district, site, building, structure or object listed in the National Register of Historic Places, 39 Fed. Reg. 6402 (February 19, 1974). It shall also detail any substantial change in the character of the land utilized (e.g., deforestation, water diversion, wetland fill, or other extensive change of surface features). In the case of wilderness areas, wildlife preserves, or other like areas, the statement shall discuss the effect of any continuing pattern of human intrusion into the area (e.g., necessitated by the operation and maintenance of the facilities).

- (5) The EA shall also be accompanied with evidence of site approval, as obtained from local or federal land use authorities.
- (6) To the extent that such information is submitted in another part of the application, it need not be duplicated in the EA. However, adequate cross-reference to such information shall be supplied.
- (7) An EA does not need to be submitted to the Commission if another agency of the Federal Government has assumed responsibility (a) for determining whether the facilities in question will have a significant effect on the quality of the human environment, and (b) for invoking the environmental impact statement process if it will affect the environment.

INSTRUCTIONS FOR SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

- A. Applicants seeking authority to construct a commercial, noncommercial or international broadcast station, applicants seeking authority to obtain assignment of the construction permit or license of such a station, and applicants seeking authority to acquire control of an entity holding such construction permit or license are required to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, national origin or sex. See 47 C.F.R. Section 73.2080. Pursuant to these requirements, an applicant who proposes to employ five or more full-time station employees must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asian or Pacific Islanders, American Indians or Alaskan Natives, and Hispanics). This is submitted to the Commission as the Model EEO Program on FCC Form 396-A, which should be filed as part of the application. If minority group representation in the available labor force is less than five percent (in the aggregate), a program for

minority group members is not required. However, a program must be filed for women since they comprise a significant percentage of virtually all area labor forces. If an applicant proposes to employ less than five full-time employees, no EEO program for women or minorities need be filed.

- B. Guidelines for developing an Equal Employment Opportunity program are set forth in FCC Form 396-A.

NOTE: This five-point Broadcast Equal Employment Opportunity Model Program Report (FCC Form 396-A) is to be utilized only by applicants for new construction permits and by assignees and transferees.

INSTRUCTIONS FOR SECTION VII - CERTIFICATIONS

- A. Applicants for a new noncommercial educational AM, FM or TV broadcast station or for a major change or modification of the authorized facilities of such stations (as defined in 47 C.F.R. Sections 73.3571(a), 73.3573(a), or 73.3572(a), respectively) are required to give public notice of the filing of their applications by publication in a local newspaper and/or by broadcast announcements in accordance with 47 C.F.R. Section 73.3580. Completion of publication may occur within 30 days before or after tendering of the application. Proof of publication NEED NOT be filed with this application.
- B. The original of this application form must be signed by the applicant. The required copies can be conformed. See 47 C.F.R. Section 73.3513.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The FCC is authorized under the Communications Act of 1934, as amended, to collect the of personal information requested in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party to a proceeding before the body or has an interest in the proceeding. In addition, all information provided in this form will be available for public inspection. If information requested on this form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the

Commission's Rules. Your response is required to obtain the requested authorization.

We have estimated that each response to this collection of information will take, on average, 89 hours and 23 minutes. Our estimate includes the time to read the instructions, look through existing records, gather and maintain required data, and actually complete and review the form or response. If you have any comments on this estimate, or how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0034), Washington, D.C. 20554. We will also accept your comments via the Internet if you send them to jboley@fcc.gov. PLEASE DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

Remember -- You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0034.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.